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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/587,671   | 07/27/2006  | Michael Maschke      | 2003P17536WOUS      | 8478             |
| 7590<br>Siemens Corporation<br>Intellectual Property Department<br>170 Wood Avenue South<br>Iselin, NJ 08830 |             | 02/18/2009           |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| BRUTUS, JOEL F   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3768   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 02/18/2009   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/587,671

**Applicant(s)**

MASCHKE, MICHAEL

**Examiner**

JOEL F. BRUTUS

**Art Unit**

3768

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 7/27/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen et al (US Pat: Pub. No.: US 2002/0013540) in view of Moorman et al (US Pat: 5,835,561).

Regarding claims 11-24, Jacobsen et al teaches navigation of a guide wire through an anatomy with assistance of radiographic imaging; by introducing contrast media into the body lumen being traversed and viewing the guide wire in the body lumen using X-ray fluoroscopy or other comparable methods; a guiding catheter can be used, as well as catheter configured to perform a procedure and to be directed to the target location. Catheters to perform coronary angioplasty and/or deploy stents [see 0006]. The catheter enables introduction of contrast media to enable visualization of a luminal space being traversed by the catheter and the guide wire; means to introduce contrast agent [see 0007]. Jacobsen et al teaches a guide wire that includes a barcode identification located adjacent the proximal or distal of its ends that encode information about the catheter [see 0077]; the invention is compatible to X-ray imaging [see 0043]. Computer and program algorithm [see 0092]; micromachining is a computer controlled automated process [see 0099].

Jacobsen et al teaches micromachining which is a computer controlled automated process [see 0099] that can be used as the control unit. Applicants teach that stents are medical adjuvants [see column 1 lines 28-30 in the specification of the examined application]; therefore the teaching of stents in [see paragraph 0006] is obvious to the teaching of adjuvant.

Jacobsen et al doesn't teach memory to store parameters.

However, Moorman et al teaches an X-ray imaging system to generate an x-ray image of an object [see abstract]; a method to locate and monitor the shape and position of stents [see column 9 lines 13-16]; display x-ray image of patient, storage capability [see column 69 lines 20-65].

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine these references; for the purpose of performing treatment of the heart with higher precision and great accuracy. One with ordinary skill in the art at the time the invention was made would be motivated to display a concentration of contrast agent; for the purpose of enhancing visualization, thereby increasing signal to noise ratio. Displaying a stent adjacent to a region in order to evaluate the procedure as to make necessary modifications. Storage would provide the capability of having information available for later use.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOEL F. BRUTUS whose telephone number is

(571)270-3847. The examiner can normally be reached on Mon-Fri 7:30 AM to 5:00 PM (Off alternative Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. F. B./  
Examiner, Art Unit 3768

/Long V Le/  
Supervisory Patent Examiner, Art Unit 3768